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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, SEPTEMBER 20, 2001

APPLICATION OF

ENERGY SERVICES MANAGEMENT VIRGINIA, LLC CASE NO. PUE010479
d/b/a VIRGINIA ENERGY CONSORTIUM

For a permanent license to conduct
business as a competitive electric
service aggregator

ORDER FOR NOTICE AND COMMENT

On, August 30, 2001, Energy Services Management Virginia, LLC d/b/a Virginia Energy Consortium ("ESM" or "the Company"), filed an application with the State Corporation Commission ("Commission") to convert its pilot license, License No. PA-7,¹ to a permanent license to provide competitive electric aggregation services only to commercial retail customers and to expand its authority to serve throughout the Commonwealth of Virginia as the Commonwealth opens up to retail access and customer choice. The Company states that it wishes to eliminate its authority to serve residential customers. The Company

¹ This pilot license permits the Company to operate as an aggregator for residential and commercial retail customers in the electric retail access pilot programs of Virginia Electric and Power Company ("Virginia Power"), Appalachian Power Company d/b/a American Electric Power-Virginia ("AEP-VA"), and Rappahannock Electric Cooperative ("REC").

attested that it would abide by all applicable regulations of the Commission as required by 20 VAC 5-312-40.

On September 26, 2000, ESM completed an application for a license to conduct business in the electric retail access pilot programs of Virginia Power, AEP-VA, and REC. This application sought authority to provide competitive electric aggregation services to commercial and residential customers.

After providing notice and opportunity for hearing, and receiving no comments from the public, and after considering its Staff's Report and the Company's response thereto, the Commission issued an Order on November 9, 2000, that, among other things, granted the Company License No. PA-7.²

On June 19, 2001, the Commission entered its Final Order in Case No. PUE010013, adopting its Rules Governing Retail Access to Competitive Energy Services ("Retail Access Rules"), 20 VAC 5-312-10, et seq.³ On page 6 of this Order was the provision that each competitive service provider who wished to convert its pilot license to a permanent license to participate in retail

² Application of Energy Services Management Virginia, LLC d/b/a Virginia Energy Consortium. For a license to conduct business as a competitive aggregator in the electric retail access pilot programs, Case No. PUE000471, Document Control Center No. 000920021, Order Granting License (November 9, 2000).

³ Commonwealth of Virginia, At the relation of the State Corporation Commission, Ex Parte: In the matter of establishing rules for retail access, Case No. PUE010013, Document Control Center No. 01063011, Final Order (June 19, 2001).

access must submit a request to do so in writing to the Commission on or before August 31, 2001. We directed that: (i) each such request must include an attestation that the information provided and updated in its application for a pilot license is true and correct; (ii) the Company must attest that it will abide by all applicable regulations of the Commission, as required by 20 VAC 5-312-40 B; and (iii) the Company must include any changes to information previously provided to the Commission, as required by 20 VAC 5-312-20 R.

NOW UPON CONSIDERATION of ESM's application to convert its present license to a permanent license, the Commission is of the opinion and finds that ESM's application should be docketed; that this Order should be served upon appropriate persons; and that these persons should have an opportunity to comment on ESM's application.

Accordingly, IT IS ORDERED THAT:

(1) This application shall be docketed and assigned Case No. PUE010479.

(2) A copy of the application and supporting documents shall be made available for public inspection in the Commission's Document Control Center, located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, during the Commission's regular hours of operation,

between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday.

(3) On or before October 1, 2001, ESM shall serve a copy of this Order upon each utility listed on Attachment A.

(4) On or before October 15, 2001, the Company shall file proof of the notice required in Ordering paragraph 3 with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P. O. Box 2118, Richmond, Virginia 23218-2118.

(5) Any interested person may request a copy of the application, accompanying materials, and this Order by directing a request in writing to the Company, to the attention of Stephen L. Rosenstein, General Manager, Energy Services Management Virginia, LLC d/b/a Virginia Energy Consortium, 3504 Northridge Drive, Baltimore, Maryland 21208. The Company shall within three (3) days of receipt of the request serve the requested documents upon the person making such request.

(6) An original and fifteen (15) copies of any comments on the application shall be filed on or before October 17, 2001, with the Clerk of the Commission at the address identified in ordering paragraph (3) above. Comments must refer to Case No. PUE010479. A copy of such comments must also be served on or before September 28, 2001, by first-class mail, or hand-delivered, to the Company, to the attention of Stephen L.

Rosenstein, General Manager, ESM, at the address identified in ordering paragraph (5) above.

(7) On or before October 24, 2001, the Company and the Staff of the Commission may file with the Clerk of the Commission an original and fifteen (15) copies of any response they may have to any comments that have been filed and the captioned application, and shall serve a copy of such response on the Company and Staff, as appropriate, as well as upon any person submitting comments.

(8) The Company shall respond to written interrogatories or data requests within five (5) calendar days after the receipt of the same. Interrogatories and data requests, as well as the responses thereto, shall be transmitted via facsimile as well as by first-class mail. Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure, 5 VAC 5-20-10, et seq.

(9) This matter shall be continued generally.